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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

N47 ASSOCIATES LLC and NEW YORK MARINE
AND GENERAL INSURANCE COMPANY, INC.,

Plaintiffs,

-against-

ALBA SERVICES INC. and ACCREDITED SURETY
& CASUALTY CO., INC.,

Defendants.

1:21-cv-3490-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

Plaintiffs filed their First Amended Complaint on June 18, 2021. [ECF No. 8]. On September 20, 2021, the Court issued an order to show cause, directing Plaintiffs to serve the First Amended Complaint on or before October 20, 2021. [ECF No. 9]. By October 21, 2021, Plaintiffs had not filed proof of service on the docket and so the Court dismissed the action without prejudice as long as an application to restore the action was made before November 22, 2021. [ECF No. 10].

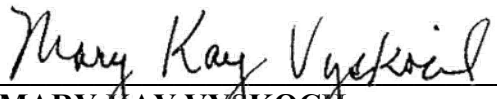
On November 1, 2021, Plaintiffs moved to reopen the case. [ECF No. 12]. Plaintiffs attached affidavits of service showing that Defendants had been served. [ECF No. 12-1]. According to those summonses, Defendant Alba Services Inc.'s response to the complaint was due on or before November 9, 2021 and Defendant Accredited Surety and Casualty Co. Inc's response to the complaint was due on or before November 12, 2021. [ECF No. 12-1].

On November 17, 2021, the Court ordered that the case be reopened and extended Defendants' deadlines to respond to the complaint to December 17, 2021. [ECF No. 13]. To date, no responses have been filed, and Plaintiff has not prosecuted this case.

Accordingly, IT IS HEREBY ORDERED that any motion for entry of a default judgment shall be filed by February 3, 2022. Plaintiff is directed to follow the procedures applicable to default judgments under the Court's Individual Rules and Practices for Civil Cases, available at the Court's website. Failure to move for a default judgment by February 3, 2022 may result in dismissal of this action for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001).

SO ORDERED.

Date: January 3, 2022
New York, NY


MARY KAY VYSKOCIL
United States District Judge